

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

September 4, 2007

In re application of James C. Fletcher et al.

Serial Nbr: 10/047,811

Filed: January 15, 2002

For: Provisioning Aggregated Services in a Distributed Computing Environment

Art Unit: 2143

Examiner: Jude Jean Gilles

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On March 23, 2007, the Board of Patent Appeals and Interferences (hereinafter, “the Board”) issued an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER (hereinafter, “the Order”) in the subject application.

The Order states that “An examination of the Image File Wrapper (IFW) reveals that an Information Disclosure Statement (IDS) was filed on October 10, 2005.”.

The Order further states “It is not apparent from the record whether the examiner

considered the statement submitted or notified appellants why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required." (emphasis added).

The Order also states "Accordingly, it is ORDERED that the application is returned to the Examiner: 1) for consideration of the IDS filed October 10, 2005, and written notification to appellants regarding the Primary Examiner's decision ..." (emphasis added).

Nearly 6 months have passed since the Order was issued. Appellants note, by review of the current IFW, that the Examiner signed the October 10, 2005 IDS on May 22, 2007. However, Appellants have not received a copy of this IDS from the Office with the Examiner's signature affixed thereto. In particular, Appellants have not received the "written notification to appellants" as ordered by the Board in the Order.

In the months since the Order was issued by the Board, an additional IDS was filed on April 27, 2007 and a further IDS was filed on July 30, 2007. Appellants note, by review of the current IFW, that the Examiner signed the April 27, 2007 IDS on May 22, 2007 and signed the July 30, 2007 IDS on August 20, 2007. However, Appellants have not received a copy of these IDS forms from the Office with the Examiner's signature affixed thereto.

Appellants respectfully submit that the Board is awaiting action by the Examiner, and respectfully request that the Examiner undertake such action in order that the application can be

docketed for appeal. In particular, Appellants respectfully request:

- 1) that the Examiner provide the “written notification to appellants regarding the Primary Examiner’s decision” as ordered by the Board in the Order; and
- 2) that the Examiner return the application to the Board for docketing of the appeal.

Respectfully submitted,

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